

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

PHILLIP B. ASHDOWN,)	
)	
Plaintiff,)	3:11-cv-00832-LRH-WGC
)	
v.)	
)	<u>ORDER</u>
PRISON HEALTH SERVICES, et al.,)	
)	
Defendants.)	
_____)	

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#210¹) entered on January 30, 2014, recommending denying Plaintiff's Cross-Motion for Summary Judgment (#196) filed on October 22, 2013, and granting in part and denying in part Defendants' Motion for Summary Judgment (#155) filed on August 9, 2013. Defendants filed their Objection to the Magistrate Judge's Report and Recommendation (#212) on February 13, 2014. Plaintiff has not filed a response. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Defendants, the pleadings and memoranda of the parties and other relevant matters of record

¹Refers to court's docket number.

1 pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. Although there is a very close question
2 whether the evidence favorable to Plaintiff warrants an inference of deliberate indifference, the Court
3 determines that the Magistrate Judge's Report and Recommendation (#210) entered on January 30,
4 2014, should be adopted and accepted.

5 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
6 (#210) entered on January 30, 2014, is adopted and accepted, and Plaintiff's Cross-Motion for
7 Summary Judgement (#196) is DENIED.

8 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#155) is
9 GRANTED in part and DENIED in part as follows:

10 (1) Defendants' Motion for Summary Judgment is GRANTED as to Defendants Jonathan Perry
11 and Elizabeth Walsh;

12 (2) Defendants' Motion for Summary Judgment is DENIED as to defendants Dr. Bannister, Dr.
13 Gedney, Dr. Johns, Kathy King, Dr. Mar, Jack Palmer, John Peery, and Veronica VanHorn;
14 and


15 (3) Any claim for damages against a defendant in his or her official capacity is DISMISSED.

16 IT IS FURTHER ORDERED that Plaintiff's request for any extension of time to respond to
17 Defendants' motion or continuance of this matter is DENIED.

18 IT IS FURTHER ORDERED that the parties shall submit their proposed joint pretrial order
19 pursuant to Local Court Rules 16-3 and 16-4 within forty-five (45) days of the entry of this order.

20 IT IS SO ORDERED.

21 DATED this 24th day of March, 2014.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE